

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. CR 14-00306 WHA

v.

LUKE D. BRUGNARA,
Defendant.

**CERTIFICATE AND ORDER
FINDING DEFENDANT LUKE
BRUGNARA IN CRIMINAL
CONTEMPT FOUR
ADDITIONAL TIMES**

Under FRCrP 42(b), “[N]otwithstanding any other provision of these rules, the court (other than a magistrate judge) may summarily punish a person who commits criminal contempt in its presence if the judge saw or heard the contemptuous conduct and so certifies. . . . The contempt order must recite the facts, be signed by the judge, and be filed with the clerk.”

This order hereby certifies that the undersigned judge witnessed firsthand that defendant Luke Brugnara committed the following contemptuous conduct:

- (1) On April 30, before the jury was brought in for trial, defendant constantly interrupted the undersigned judge and government counsel. As the undersigned judge attempted to make a ruling on the record, defendant continued to argue. Defendant was admonished to stop or else he would be held in criminal contempt. Defendant ignored the Court’s order and continued speak over the undersigned judge and government counsel. For that conduct, defendant is hereby sentenced to **10 DAYS IN JAIL**, to be served consecutively to any sentence defendant receives as a result of the fraud, false statement, and escape charges that are currently pending.

(2) Later in the day, during a break between witnesses, defendant continued his abusive conduct. He continued to interrupt the Court as it was trying to make rulings and spoke over the objections of government counsel. In addition, he yelled out that government counsel was bullying the Court. Despite several warnings, defendant's conduct persisted. For this conduct, defendant is hereby sentenced to an additional **21 DAYS IN JAIL**, to be served consecutively to any sentence defendant receives as a result of the fraud, false statement, and escape charges that are currently pending.

(3) The next day, on May 1, defendant's conduct got worse. After the testimony of witness Nick Barbato, defendant terrorized the courtroom, screamed at the top of his lungs for several minutes (almost certainly scaring everyone in the gallery), threatened government counsel, and continued to interrupt the Court. There were reports that witnesses out in the hallway were shaken by the screams coming from the courtroom. This was some of the most disrespectful conduct the undersigned judge has ever witnessed in a court of law. For this conduct, defendant is hereby sentenced to an additional **90 DAYS IN JAIL**, to be served consecutively to any sentence defendant receives as a result of the fraud, false statement, and escape charges that are currently pending.

(4) Lastly, on the afternoon of May 1, defendant's outrageous conduct continued. He interrupted the Court's rulings, argued with witnesses, accused the government of harassment, accused the undersigned judge of orchestrating the harassment of defendant's former business partners, and screamed "I don't lie" at the top of his lungs during argument. For this conduct, defendant is hereby sentenced to an additional **21 DAYS IN JAIL**, to be served consecutively to any sentence defendant receives as a result of the fraud, false statement, and escape charges that are currently pending.

In sum, this order sentences defendant Luke Brugnara to a total of **142 DAYS IN JAIL**, to be served consecutively to any sentence defendant receives as a result of the fraud, false statement, and escape charges that are currently pending. This contempt sentence is in addition to the 21 day sentence defendant received on April 29 (Dkt. No. 529). Defendant has also filed a motion for reconsideration of his original contempt sentence. That motion is **DENIED**.

IT IS SO ORDERED.

Dated: May 4, 2015.


 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE